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Attorneys for Defendant

GUARANTY BANK OF CALIFORNIA

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

GUARANTY BANK,

Plaintiff,

vs.

GUARANTY BANK OF CALIFORNIA,

Defendant.

Case No. C 05-4724 MMC

[Assigned to the Honorable  
Maxine M. Chesney, Dept. 7]

Complaint Filed: November 17, 2005

**STIPULATED NOTICE OF DISMISSAL  
WITH PREJUDICE (FRCP Rule 41(a))  
AND ORDER**

Trial Date: Not set.

1 Pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, plaintiff  
2 Guaranty Bank and defendant Guaranty Bank of California, specially appearing by and through  
3 their respective counsel, hereby stipulate to dismiss *with prejudice* the above pending action.  
4 Plaintiff and defendant further stipulate that this court shall retain jurisdiction of this action for the  
5 sole purpose of enforcing the Settlement Agreement executed by the parties.  
6

7 Respectfully submitted,

8 DATED: January 12, 2007

BINGHAM MCCUTCHEN LLP

9  
10 By: 

John D. Pernick  
Attorneys for Plaintiff GUARANTY BANK

11  
12 DATED: January 12, 2007

MUSICK, PEELER & GARRETT LLP

13  
14 By: 

Catherine M. Lee  
Attorneys for Defendant  
GUARANTY BANK OF CALIFORNIA

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21 Dated: January 18, 2006

